



A C WHARTON, JR.
MAYOR

January 22, 2013

The Honorable Shea Flinn, Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Flinn:

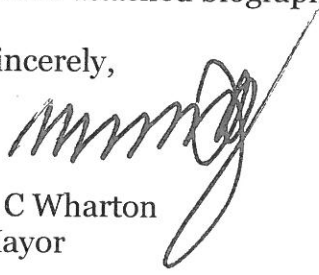
Subject to Council approval, it is my recommendation that:

Monica N. Wharton

be appointed to the Memphis Youth Guidance Commission with a term
expiring December 31, 2015.

I have attached biographical information.

Sincerely,



A C Wharton
Mayor

ACW/lar

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Youth Guidance Commission

BOARD/COMMISSION

Name: Monica N. Wharton Race African Amc ☒ M ☐ F ☒

E-Mail Address: mwharton@the-med.org Fax 545-8194

Profession/Employer: Attorney/Regional Medical Center at Memphis,
currently serves as Sr. VP/General Counsel
877 Jefferson Avenue

Business Address: _____ Zip 38103 Phone: 545-8223

Education: Hampton Univ., B.A. in English with Honors; William and Mary Law School, J.D.

Name of Spouse: Andre C. Wharton Number of Children: 3

Home Address: 46 Belleair Drive Phone: 726-1436

City: Memphis State: TN Zip: 38104

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes ☒ or No ☐ If yes, how long? 8 1/2 years

Professional Organization/Associations:

Tennessee Bar Association, Executive Council (Health Law Section)

Memphis Bar Association, Association of Health Care Lawyers, Facing History & Ourselves Board Member

Other Organizations/Association:

Other Interests:

Working with students.

Signature

Monica N. Wharton

Date

1/14/13

Ms. Wharton, a native of New Jersey, holds a Bachelor of Arts degree from Hampton University, where she graduated with Honors and a *Juris Doctor* degree from William & Mary School of Law. While in Law School, Ms. Wharton was selected for the honorary membership of the Order of Barristers where she was also awarded the Dean's Certificate for her outstanding service to the school. After law school, Ms. Wharton was invited to be the law clerk for the United States District Court for the Western District of Virginia. Subsequently, she was an attorney at the law firm of Ogletree Deakins, the third largest employment and labor defense firm in the U.S.

Ms. Wharton moved to Memphis in 2004 and joined the law firm of Glankler Brown, PLLC, a well respected legal firm in Memphis. At Glankler Brown, Ms. Wharton practiced extensively in the Circuit, Chancery and Federal Court systems. Ms. Wharton was hired as The MED's Senior Vice-President of Legal Affairs and General Counsel in October of 2008. In this role, Ms. Wharton serves as the chief legal counsel for the hospital and manages the risk management and legal affairs department.

Ms. Wharton has served as a member of the Board of Directors for the Memphis and Shelby County Bar Association where she also served on the Executive Committee, the Association of Women Attorneys, The Southern Avenue Charter School, and The Women's Foundation, Grants Committee. Currently, she is a board member of The Facing History and Ourselves Organization. Ms. Wharton has also participated in the Memphis Bar Association Leadership Forum and is a graduate of the Tennessee Bar Association Leadership Program. Ms. Wharton is currently licensed to practice law in the States of North Carolina and Tennessee.

Ms. Wharton is a member of The Links, Inc, Memphis Chapter; and has been recognized by the Tri-State Defender as a "Woman of Excellence" and by The Memphis Business Journal as one of the Top 40 under 40 in the Memphis Community. In 2012, Ms. Wharton was appointed by Governor Bill Haslam as a Special Justice for the Tennessee Supreme Court. Ms. Wharton also became a fellow for the Memphis Bar Association. Ms. Wharton enjoys volunteering her time with various schools and non-profits in the Memphis community.

She is married to Attorney Andre' C. Wharton and they have three sons, Andrew, Arthur and Abram.

YOUTH GUIDANCE COMMISSION
21 Member Board
3 Year Term

Bailey, Adrienne L.	F/B	12-31-15	3yr. Term
Bandeale, Ekundayo	M/B	12-31-15	3yr. Term
Beard, Cheryl J.	F/B	12-31-15	3yr. Term
Bibbs, Carolyn D.	F/B	12-31-15	3yr. Term
Bradshaw, Kenya	F/B	12-31-15	3yr. Term
Greene, Althea E.	F/B	12-31-15	3yr. Term
Greenstein, Micah D.	M/W	12-31-15	3yr. Term
Ham, Cynthia	F/W	12-31-15	3yr. Term
Hannah, Sandra	F/W	12-31-15	3yr. Term
Hart, Tomeka R.	F/B	12-31-15	3yr. Term
Lovelace, John D.	M/B	12-31-15	3yr. Term
Rubenstein, Wain	M/W	12-31-15	3yr. Term
Spurlock, Katy	F/W	12-31-15	3yr. Term
Walker, Regina D.	F/B	12-31-15	3yr. Term
Wheeler, Lisa N.	M/W	12-31-15	3yr. Term



**Memphis City Council
Summary Sheet
Ordinance to Amend the Sanitary Sewer Fee**

1. This is an ordinance to amend the sanitary sewer fee for a seasonal adjustment to the sewer fee calculation mechanism based upon the increased sewer volumetric charges and water consumption levels resulting for those residential customers that irrigate their lawns and plants with metered water that does not enter the sanitary sewer system during the months of June, July, August and September.
2. This item is being submitted by Public Works (Environmental Engineering)
3. This ordinance will amend Chapter 33 Article III.
4. This item does not require a contract nor does it amend an existing one.
5. This resolution will not take effect until July 1, 2013 (FY 2014).

**AN ORDINANCE TO AMEND CHAPTER 33, ARTICLE III, OF THE CITY OF
MEMPHIS CODE OF ORDINANCES SO AS TO MODIFY THE EXISTING
SEWER FEE**

WHEREAS, the sewer fee was increased from 105.3 cents to 226.7 cents per 1,000 gallons on July 1, 2010; and

WHEREAS, upon recent review, the administration has determined the need for a seasonal adjustment to the sewer fee calculation mechanism based upon the increased sewer volumetric charges and water consumption levels resulting for those residential customers that irrigate their lawns and plants with metered water that does not enter the sanitary sewer system during the months of June, July, August and September.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, THAT CHAPTER 33, ARTICLE III, DIVISION 2, SEWER FEES AND CHARGES IS HEREBY AMENDED BY ADDING THE FOLLOWING SECTION 33-131(e) WHICH SHALL READ AS FOLLOWS:

Sec. 33-131(e) Seasonal Adjustment of Sewer Fees. Section 33-131(b) established a monthly maximum charge for residential sewer service in the amount of \$50.00 regardless of the amount of water flow measured in a billing period. The City has determined that the following mechanism will be used for the calculation of volumetric sewer charges during the months of June, July, August and September for residential customers.

Sewer Adjustment Mechanism

Each fiscal year, the sewer fee charges for residential customers will be averaged for the months of December, January, February and March. The average will be considered the Base Charge and will be multiplied by 1.30 to determine the Maximum Seasonal Charge (MSC) value for each residential customer. If each customer's actual sewer charge for the months of June, July, August and September is less than the MSC, the lower amount will appear on the customer's utility bill for those months. If the actual sewer charge exceeds the MSC for that customer, the MSC will appear on the customer's utility bill. In some cases, the MSC of some large residential users will exceed the monthly maximum charge of \$50.00 (see Section 33-131(b)). Where this situation occurs, the MSC will be reduced to \$50.00 as the maximum charge for those customers.

Sample Calculation:

BASE CHARGE = (Sum of Volumetric charges for December, January, February and March)

4

Assume charges are \$10.00, \$9.00, \$11.00 and \$12.00 BASE CHARGE = \$10.50

MSC = 1.30 X Base Charge

In this example, MSC would be 1.30X \$10.50 or \$13.65

Assume July usage would yield a charge of \$20.00, actual billing would be for \$13.65

Assume September usage would yield a charge of \$12.00, actual billing would be \$12.00 since it is lower than the MSC.

The 1.30 multiplier as previously referenced is based upon a comparison of the months of December, January, February and March versus the months of June, July, August and September for the total sewer usage charges for the fiscal years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012. Every five years, the total usage will be compared as described above to determine if the multiplier needs to be adjusted for the upcoming year. A decade of usage data will be used for comparison and older data will be eliminated to yield the ten year data base. The Director of Public Works or his designee will adjust the multiplier as required and will submit an ordinance amendment to the City Council for approval.

If the residential customer is new to the system and has no prior record upon which to establish a Base Charge, the MSC adjustment will not be available until one year of charge data is available.

Those residential customers living in special sewer service surcharge areas will not be relieved of the flat rate charges even if their volumetric charges are reduced by the MSC or monthly maximum charge. The appropriate flat rate charge will be added to the volumetric charge to reach the adjusted monthly value. No such relief shall be granted to those customers residing in other cities or service areas whose fees are assessed based upon current contracts and agreements.

SECTION 2. BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable and that any portion declared unlawful shall not affect the remaining portions.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and shall become effective as otherwise provided by law.

Passed, approved and adopted this _____ day of _____, 2013.

Chairman of the Memphis City Council



Memphis City Council Summary Sheet

Resolution funding infrastructure improvements for the Nike Distribution Center Expansion :

- This item provides funding for the infrastructure improvements associated with the expansion of Nike's Distribution Center. It will be used primarily for the relocation of electrical transmission and distribution lines to allow for the physical expansion of the existing building.
- The City Engineer is requesting the funds be made available to fulfill the infrastructure commitments made by the City to Nike.
- The expenditure of the funds will require entering into an agreement with Memphis Light Gas and Water and any additional contractors required to execute the infrastructure improvements committed to by the City.
- The current year capital budget will have to be amended to allocate and appropriate the funds for the infrastructure improvements.

This Resolution provides funding for Nike Infrastructure Improvements, project number PW01243 for infrastructure improvements associated with the expansion of Nike's Distribution Center.

WHEREAS, the Council of the City of Memphis included Nike Infrastructure Improvements, PW01243 as part of the Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, it is necessary to increase G.O. Bonds allocations and appropriate \$2,800,000.00 in Nike Infrastructure Improvements, project number PW01243 primarily for the relocation of electrical transmission and distribution line to allow for the physical expansion of the existing building.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be amended by increasing G.O. Bonds allocations in the amount of \$2,800,000.00 in Nike Infrastructure Improvements, project number PW01243 primarily for the relocation of electrical transmission and distribution line to allow for the physical expansion of the existing building.

BE IT FURTHER RESOLVED, that the be and is hereby appropriated the sum of \$2,800,000.00 in G.O. Bonds chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title:	Nike Infrastructure Improvements
Project Name:	PW01243
Amounts:	\$2,800,000.00

RESOLUTION

WHEREAS, carsharing is a new transportation option that is gaining popularity in major cities worldwide because it allows primary reliance upon walking, biking and public transportation with the occasional use of a shared car;

WHEREAS, carsharing contributes to sustainable transportation because it is a less car intensive means of urban transportation, and according to The Economist magazine, carsharing can reduce car ownership at an estimated rate of one carsharing vehicle replacing fifteen owned vehicles;

WHEREAS, a carsharing service is not available in Memphis except that Rhodes College has a carsharing service available to its students, faculty and staff;

WHEREAS, the City of Memphis wishes to attract new business, promote additional transportation options for the citizens of Memphis, reduce vehicle congestion, and reduce vehicle emissions;

WHEREAS, the City of Memphis through the Downtown Memphis Commission has been attempting to recruit a carsharing business to Memphis;

WHEREAS, a carsharing business is one where the business maintains and rents carsharing vehicles, and a carsharing vehicle is any vehicle available to multiple users who join a membership organization in order to reserve and use such vehicle and for which they are charged based on actual use and as determined by time and/or mileage.

WHEREAS, the leading carsharing business in the world, Zipcar, has expressed tentative interest in testing its business model in Downtown Memphis beginning in spring 2013, and to launch its service in Memphis, Zipcar requires that up to eight highly-visible on-street parking spaces in Downtown Memphis be designated for the exclusive use of carsharing vehicles at no cost for up to three years;

WHEREAS, the City of Memphis is interested in conducting a three-year pilot program to attract a carsharing business and determine whether the carsharing business model will work in Memphis and enhance the lives of Memphians; and

WHEREAS, at the end of the three-year pilot program, if carsharing is successful in Memphis, then the City of Memphis will negotiate fees for the use of the on-street parking spaces or the carsharing vehicles will be moved off street to parking garages or lots.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Division of Engineering is hereby authorized to designate up to eight highly visible on-street parking spaces in Downtown Memphis for the exclusive use of carsharing vehicles at no charge during the three-year period of the pilot program and that these on-street parking spaces shall be selected by the Downtown Memphis Commission in consultation with the surrounding businesses and residents.

Ord. # 5488

ORDINANCE TO AMEND NO. 4934 OF THE CITY CODE OF ORDINANCES
CHAPTER 2, ARTICLE III, DIVISION 4, PUBLIC ART – PUBLIC ART PROGRAM FOR
THE CITY OF MEMPHIS

WHEREAS, It is acknowledged that the application of public art sited or staged in the physical public domain of the City can advance the City economically and culturally, improve the quality of the public environment, and increase the value of public assets; and

WHEREAS, Including works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain accessible to all will create sustainable development improving environmental, economic, and social aspects of our City; and

WHEREAS, the public art program is necessary to assure that public resources are invested in both the physical and cultural infrastructure of the city; and

WHEREAS, a public art program recognizes the importance of the artist as a cultural asset for the City and is another means for the City to encourage artists to live and work in Memphis.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 2, Article III, Division 4 of the City Code of Ordinances is amended to read as follows:

Section 2-86. Purpose. The purpose of the Public Art Program, as defined herein, is to provide a dedicated funding source for art enhancements of various mediums to be implemented in selected city capital improvement projects constructed by the city or with city funds, and to provide, through the Public Art Oversight Committee, guidance and support to the city in implementing such art enhancements and to thereby foster public projects of art sited or staged in city buildings, and/or the physical public domain accessible to all with a minimal impact on existing procedures, practices and capital improvement project budgets. Collective Memphis (CM) shall also be eligible to execute visual arts projects as well as works of art in any media that have been planned and executed with the specific intention of being sited, or staged in the physical public domain and accessible to all. Urban Art Commission (UAC) shall continue to manage visual arts associated with this ordinance.

Section 2-87. Definitions. The following words, terms, and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

“Art Percentage” shall mean that percent defined in Section 2 (A) hereof, to be allocated to the Public Art Fund out of eligible general fund capital improvement project (“CIP”) funds (excluding Public Works project, PW 156) and used hereunder to enhance public buildings and domains with sited or staged Artwork.

“Artwork” shall mean all forms of original creations or works designed by a professional artist, team of artists, or design team.

“Local Artist” shall mean an artist who has lived or worked within the Memphis Metropolitan Statistical Area for two (2) or more years of such artist’s career.

“Minority” shall mean those persons, citizens of the United States and lawfully admitted resident aliens who are African American (persons whose origins are in one of the Black regional groups of Africa), Hispanic or Latino, Native American, and Asian.

“Participating Bureaus” shall mean departments of the city that either construct or fund CIP Projects in which Artwork is to be installed and Public Art Funds are to be expended hereunder.

“Public Art Oversight Committee” shall consist of seven members composed of the Chair of Collective Memphis and/or UrbanArt Commission (CM AND/OR UAC) or his/her designee, two members nominated by CM AND/OR UAC and approved by the city council (one of which must be a practicing visual artist), three members appointed by the City Mayor with the approval of the city council, (one of which must be a practicing visual artist) and one city councilperson appointed by the chair of the city council. The seven members shall also include as ex-officio members of the CM AND/OR UAC Executive Director and the Director or designee of any Participating Bureau.

“Public Art Fund” shall mean the special fund established as a separate account pursuant to Section 2(A) hereof with funds allocated to the Public Art Fund and administered by the city. All interest and investment earnings attributable to the Public Art Fund shall accrue therein. The city shall establish procedures for reporting activity of the Public Art Fund. The city shall periodically provide the city council with reports reflecting all amounts allocated to the Public Art Fund, encumbered to specific projects, and expended from the Public Art Fund for Artwork.

“Public Art Maintenance Fund” shall mean the special fund established as a separate account pursuant to Section 2(B) hereof with funds allocated to the Public Art Maintenance Fund, and administered by the city. All interest and investment earnings attributable to the Public Art Maintenance Fund shall accrue therein. The city shall establish procedures for reporting activity of the Public Art Maintenance Fund.

“Public Art Program” shall mean the activities and art enhancements generated pursuant to this ordinance.

“CM” is Collective Memphis, an independent 501(c) (3) organization established in 2012.

“Women” shall mean those persons, citizens of the United States and lawfully admitted resident aliens, who are of the female gender and not otherwise included in one of the specific ethnic minority groups.

Section 2-88. Funding Source, Use and Disbursement of the Public Art Program.

(A) An Art Percent of one percent (1%) of the total general obligation bond amount included in the CIP budget for construction costs each fiscal year, not to exceed \$1 million per fiscal year, shall be allocated to the Public Art Fund for use in the development of Artwork hereunder, including but not limited to artist design services, the development of design concepts and models, an Artist in Residence Program, the selection, acquisition, purchase, commissioning, placement, installation, exhibition and display of Artwork, and architectural and engineering design associated with Artwork.

(B) The City of Memphis shall allow a minimum of 18 percent of project budgets be allocated for Collective Memphis and/or UrbanArt Commission's project management duties under the Percent-for-Art program, which will henceforth be included in the overall budget for each, thus allowing CM AND/OR UAC to increase or downsize project management staff as the program's annual caseload requires.

(C) Each fiscal year, the city shall provide operating funds in an amount equal to one-tenth of one percent (0.1%) of the total general obligation bond amount included in the CIP budget for construction costs each fiscal year, which funds shall be allocated to the Public Art Maintenance Fund for use for maintenance, curatorial and conservation care for Artwork developed pursuant to the Public Art Program.

(D) Funds in the Public Art Fund and the Public Art Maintenance Fund not expended by the end of the close of any fiscal year shall be carried forward to the next succeeding fiscal year, to the extent that such carried forward funds, when added to the Art Percentage funds for the succeeding fiscal year, do not exceed \$1.5 million dollars.

(E) All Participating Bureaus shall include in their applications for funding for CIP Projects to unrelated governmental agencies and other funding sources that allow for art enhancements in capital improvement projects, amounts up to the limit set by any such agency or other funding source, for artist design services and Artwork. Any grant amounts received by Participating Bureaus for Artwork or art enhancements to capital improvement projects shall be directed to the Public Art Fund and shall not be included for purposes of computing the maximum funding amounts set out in paragraph 2-88 (A) or (B) hereof.

(F) Upon approval of this amendment, Collective Memphis will become eligible to receive CIP funds for all current, open, and unencumbered public art funds.

(G) Public Art Funds shall be used for the creation of Artwork, in, upon, adjacent to or in close proximity to CIP projects.

(H) Disbursements from the Public Art Fund and the Public Art Maintenance Fund shall be made only after authorization by the city, through its City Engineer. Disbursements shall be made according to the terms of this ordinance and any guidelines adopted by the city hereunder.

(I) Sixty (60%) of the Artwork created hereunder during any five year period ("Participation Period") shall be accomplished by Local Artists. The first Participation Period shall commence upon the effective date of this ordinance and shall end five (5) years from that date, at which time the next Participation Period shall begin.

(J) In an effort to promote equality and diversity in all Artwork undertaken pursuant to this ordinance, the Public Art Program funded hereunder shall include significant Minority and Women participation.

Section 2-89. Administration. The City shall contract annually with CM and/or UAC for the CM and/or UAC to administer the Public Art Program, and shall provide therein for compensation to be paid to CM and/or UAC for all shall administrative services. The CM and/or UAC and the Public Art Oversight Committee shall, after consultation with the city council and participating departments of the city, administer the provisions of this ordinance relating to artwork acquisition and display, and shall adopt guidelines to:

1. Provide for annual meetings with Participating Bureaus.
2. Develop an annual plan for the Public Art Program that takes into account the views of the Participating Bureaus and is consistent with all applicable city budgets.
3. Recommend to the City Engineer for his approval the selection of Artwork to be created with Public Art Funds.
4. Provide a method for the appointment of representatives to ad hoc selection committees, created solely for the purpose of selecting artists and reviewing Artwork proposals.
5. Determined a method or methods of selecting artists for the design, execution and siting of artwork.
6. Provide quarterly reports and reviews to the city council to account for Artwork projects funded from the Public Art Fund.
7. Clarity the responsibilities for maintenance of Artwork, including any extraordinary operations or maintenance costs associated with Artwork, prior to selection.
8. Facilitation the preservation or art objects, ethnic and cultural arts and crafts, and artifacts funded through this ordinance.
9. Determine a process to accession and de-accession Artwork, as necessary.
10. Set forth any other matter appropriate to the administration of this ordinance.

Section 2-90. Ownership. All Artwork acquired pursuant to this ordinance shall be acquired in the name of the city. Insurance coverage for Artwork acquired hereunder shall be provided and maintained by the city.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Edmund Ford, Jr., Ed.D.
Council Member

Bill Morrison
Council Chairman

Attest:
Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE
_____ PASSED

1st Reading _____

2nd Reading _____

3rd Reading _____

Approved _____
Chairman of Council

Date Signed: _____

Approved: _____
Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Comptroller



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

The item receives \$79,880 from the Community Redevelopment Agency for Architectural and engineering fees associated with the Main Street to Main Street Multimodal Connector.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Executive Division.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is a new resolution accepting funds from CRA.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

5. State whether this requires an expenditure of funds/requires a budget amendment.

This requires a budget amendment to receive these funds



**A Resolution accepting funds from the
Community Redevelopment Agency for the Main Street to
Main Street Multimodal Connector in the amount of \$79,880
and appropriating those funds to project number ST03161 for
the design of Segment 1 of the Main Street to Main Street
Multimodal Connector.**

WHEREAS, the Main Street to Main Street Multimodal Connector Project (the "M2M Project") is a ten-mile regional, multimodal corridor that will increase and improve alternative transportation options in the Memphis metro area and connect Tennessee to Arkansas via a bicycle and pedestrian trail over the Mississippi River via the historic Harahan Bridge;

WHEREAS, the M2M Project will make long-needed improvements to Main Street in Downtown Memphis from Uptown to South Main including the Main Street Mall;

WHEREAS, the M2M Project will link South Main to the Harahan Bridge via existing roadways, which will be improved to better accommodate bicycle and pedestrian traffic

WHEREAS, the M2M Project will restore the historic Harahan Bridge and convert it into a bicycle and pedestrian trail over the Mississippi River with stunning views of the Memphis skyline;

WHEREAS, the M2M Project will connect the Harahan Bridge to West Memphis's main street, called Broadway;

WHEREAS, the M2M Project is supported by many public and private sector partners including the cities of Memphis and West Memphis; the counties of Shelby and Crittenden; the states of Tennessee and Arkansas; the Downtown Memphis Commission; the Harahan Bridge Project; the Hyde Foundation; the Community Redevelopment Agency; and many others;

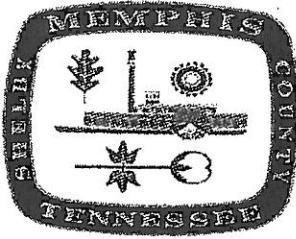
WHEREAS, the M2M Project won the very competitive \$15 million federal Transportation Investment Generating Economic Recovery (TIGER) IV Grant, thereby distinguishing the M2M Project as one of the top 5% of TIGER IV Grant applications nationally;

WHEREAS, the Community Redevelopment Agency Board of Directors has committed by resolution \$2,000,0000 to the Segment 1 portion of the M2M;

WHEREAS, Use of the Community Redevelopment Agency funding is limited to the geographic area known as Uptown;

WHEREAS, some of those funds are now needed for the purpose of architectural and engineering services for this project;

NOW, THEREFORE, BE IT RESOLVED That the Memphis City Council accepts \$79,880 from the Community Redevelopment Agency and appropriates those funds to project number ST03161 for the Main Street to Main Street Multimodal Connector.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

The item receives \$79,755 from the Center City Revenue Finance Corporation for Architectural and engineering fees associated with the Main Street to Main Street Multimodal Connector. for Council approval.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Executive Division.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

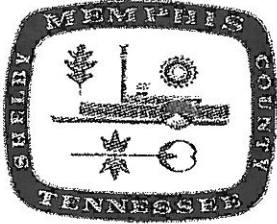
This is a new resolution accepting funds from CCRFC.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

5. State whether this requires an expenditure of funds/requires a budget amendment.

This requires a budget amendment to receive these funds



A Resolution accepting funds from the Center City Revenue Finance Corporation for the Main Street to Main Street Multimodal Connector in the amount of \$79,755, and appropriating those funds to project number ST03162 as necessary to fund Architectural & Engineering Fees

WHEREAS, the Main Street to Main Street Multimodal Connector Project (the "M2M Project") is a ten-mile regional, multimodal corridor that will increase and improve alternative transportation options in the Memphis metro area and connect Tennessee to Arkansas via a bicycle and pedestrian trail over the Mississippi River via the historic Harahan Bridge;

WHEREAS, the M2M Project will make long-needed improvements to Main Street in Downtown Memphis from Uptown to South Main including the Main Street Mall;

WHEREAS, the M2M Project will link South Main to the Harahan Bridge via existing roadways, which will be improved to better accommodate bicycle and pedestrian traffic

WHEREAS, the M2M Project will restore the historic Harahan Bridge and convert it into a bicycle and pedestrian trail over the Mississippi River with stunning views of the Memphis skyline;

WHEREAS, the M2M Project will connect the Harahan Bridge to West Memphis's main street, called Broadway;

WHEREAS, the M2M Project is supported by many public and private sector partners including the cities of Memphis and West Memphis; the counties of Shelby and Crittenden; the states of Tennessee and Arkansas; the Downtown Memphis Commission; the Harahan Bridge Project; the Hyde Foundation; the Community Redevelopment Agency; and many others;

WHEREAS, the M2M Project won the very competitive \$15 million federal Transportation Investment Generating Economic Recovery (TIGER) IV Grant, thereby distinguishing the M2M Project as one of the top 5% of TIGER IV Grant applications nationally;

WHEREAS, the remaining costs of the total \$30 million M2M Project will be funded by local and state matching sources including significant contributions from the private sector;

WHEREAS, an affiliate of the Downtown Memphis Commission, the Center City Revenue Finance Corporation (CCRFC) has pledged \$2 million from its capital fund, the PILOT Extension Fund, toward the M2M Project;

WHEREAS, , some of those funds are now needed for the purpose of architectural and engineering services for the Main Street improvements;

NOW, THEREFORE, BE IT RESOLVED That the Memphis City Council accepts \$79,755 from the Center City Revenue Finance Corporation and appropriates those funds to project number ST03162 for the Main Street to Main Street Multimodal Connector.

Memphis City Council Resolution

WHEREAS, according to research done by the Urban Child Institute in Memphis, Pre-Kindergarten programs in other states have resulted in significant improvements in cognitive and language skills, test scores, and motor skills in children as compared to children who do not attend Pre-K. Pre-K children also have better attendance, fewer behavior problems, and increased chances of reading at grade level in 4th grade; and

WHEREAS, the Urban Child Institute has also found that children in Pre-K programs in Tennessee develop literacy, language and math skills faster than non-participating children; these gains are 37-176% greater than those non-Pre-K children and continue into the elementary grades; and

WHEREAS, considering the number of children who receive care at home or in private centers, if Pre-K were offered to every 4-year-old child in Memphis, there would be approximately 4,500 additional children who need to be served at a cost of \$27 million; and

WHEREAS, the combined property tax rate for Memphis and Shelby County results in Memphians paying the highest tax rate in Tennessee, by far, and the local rate clearly puts Memphis at a competitive disadvantage in the recruitment and retention of people and job producing businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the Council adheres to the following:

1. Instructs the Council Chair to send a letter to the Shelby County Election Commission to activate the referendum approved in Ordinance Number 5460 no later than September 30, 2013;
2. Commits to the allocation of the \$47 million to be collected by the ½ percent sales tax increase as follows: \$27 million for Pre-Kindergarten and \$20 million for a property tax decrease; and
3. Provides that all funds collected for Pre-K will be placed in a trust account for Pre-K programs. A Pre-K commission will be created to have authority over the Pre-K program. The nine member commission will be appointed by the Mayor and approved by the Council. Only one member of the Council (the Council's Education liaison) shall serve on the commission.

Jim Strickland
Shea Flinn

SUBSTITUTE REFERENDUM ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 5460 TO ALLOW THE
MAXIMUM LOCAL OPTION SALES TAX BE LEVIED IN THE CITY OF
MEMPHIS AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE
TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT A SPECIAL
ELECTION TO BE HELD BY SEPTEMBER 30, 2013

WHEREAS, the Council adopted Referendum Ordinance 5460 to allow the maximum local option sales tax be levied in the City of Memphis on July 17, 2012, which ordinance was suspended by a subsequent referendum by Shelby County for a county wide local option sales tax;

WHEREAS, Shelby County's Referendum failed thereby reinstating the City's referendum ordinance;

WHEREAS, the Council desires to present its referendum ordinance on the question to the qualified voters of the City, with the modifications set forth below in this substitute ordinance;

WHEREAS, according to research done by the Urban Child Institute in Memphis, Pre-Kindergarten programs in other states have resulted in significant improvements in cognitive and language skills, test scores, and motor skills in children as compared to children who do not attend Pre-K. Pre-K children also have better attendance, fewer behavior problems, and increased chances of reading at grade level in 4th grade; and

WHEREAS, the Urban Child Institute has also found that children in Pre-K programs in Tennessee develop literacy, language and math skills faster than non-participating children; these gains are 37-176% greater than those non-Pre-K children and continue into the elementary grades; and

WHEREAS, considering the number of children who receive care at home or in private centers, if Pre-K were offered to every 4-year-old child in Memphis, there would be approximately 4,500 additional children who need to be served at a cost of \$27 million; and

WHEREAS, the combined property tax rate for Memphis and Shelby County results in Memphians paying the highest tax rate in Tennessee, by far, and the local rate clearly puts Memphis at a competitive disadvantage in the recruitment and retention of people and job producing businesses.

WHEREAS, the 1963 Local Option Sales Tax Act under Tennessee Code Annotated §67-6-701 et seq., permits counties, cities, and towns to levy a tax not to exceed two and three fourths percent (2.75%) on all privileges exercised therein, subject to approval by a majority vote of those citizens voting

in an election on all privileges exercised therein, subject to approval by a majority vote of those citizens voting in an election on the question pursuant to Tenn. Code Ann. §2-3-204; and

WHEREAS, there presently exists in Shelby County local sales tax of two and one fourth percent (2.25%), leaving a margin of one half percent (0.5%) for additional tax to be levied either by the municipality or the county which the City of Memphis can levy and dedicate to pre-kindergarten education and to reduce the property tax rate.

NOW, THEREFORE,

SECTION 1. LEVY OF TAX BY CITY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that there is hereby levied, subject to the approval of the legally qualified voters of the City of Memphis, an increase of one half percent (0.5%) in the local sales tax in the same privileges as are subject to the 1963 Local Option Sales Tax Act under Tennessee Code Annotated §67-6-701 et.seq., which are exercised within the City of Memphis, which tax is hereby levied and shall be collected in the same manner as all such privileges.

SECTION 2. DELIVERY TO ELECTION COMMISSION

BE IT FURTHER ORDAINED, That, upon passage of this Ordinance as authorized by the 1963 Local Option Sales Tax Act, the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of the holding of a special election by May 31, 2013, and request that this proposal be placed on the ballot.

SECTION 3. PUBLICATION OF HOME RULE AMENDMENT

BE IT FURTHER ORDAINED, That the Comptroller be and is hereby directed to cause this Proposal (Ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee and submitted by the City of Memphis to its qualified voters at a special election , which shall be held in the City of Memphis by September 30, 2013, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Local Option Sales Tax

Shall there be levied a City of Memphis local option sales tax in the amount of one half percent (0.5%) with the proceeds of such levy being dedicated only to the establishment of a Pre-Kindergarten program and a reduction in property taxes?

SECTION 4. OPERATIVE DATE

BE IT FURTHER ORDAINED, That, if the majority vote is for the Ordinance, it shall be deemed to be operative on the date the Shelby County Election Commission makes its official canvass of the election returns and no tax shall be collected under this Ordinance until the first day of a month occurring at least thirty (30) days after the operative date.

SECTION 5. COLLECTION OF TAX BY STATE

BE IT FURTHER ORDAINED, That, in the event the electorate votes to impose the increased local sales tax, then the tax shall be collected by the Tennessee Department of Revenue concurrent with the collection of the State Tax, in the same manner the State Tax is collected, provided that no tax shall be collected under such authorization until the first day of a month occurring at least thirty (30) days after the operative date. The Department of Revenue shall remit the proceeds of the tax to the City of Memphis, less a reasonable amount of percentage as determined by the Department of Revenue, to cover the expense of administration and collection.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance, adopted by the Memphis City Council on _____, 2013, to the Shelby County Election Commission, together with a suggest proposal and the following form of preference to be placed on the ballot in an election to be held by September 30, 2013:

AN ORDINANCE TO ALLOW THE MAXIMUM LOCAL OPTION SALES TAX TO BE LEVIED IN THE CITY OF MEMPHIS

Local Option Sales Tax

Shall there be levied a City of Memphis local option sales tax in the amount of one half percent (0.5%) with the proceeds of such levy being dedicated only to the establishment of a Pre-Kindergarten program and a reduction in property taxes?

I, Brian Collins, Director of Finance for the City of Memphis do hereby certify that the net revenue increase to the City if this Amendment is adopted is estimated to be \$47,000,000 annually.

FOR (YES) _____

AGAINST (no) _____

SECTION 7. CERTIFICATION OF RESULTS

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

SECTION 8. NOTIFICATION TO STATE

BE IT FURTHER ORDAINED, That a certified copy of the Ordinance be transmitted to the Tennessee Department of Revenue immediately upon adoption by the Council of the City of Memphis in order that the State may begin preparation and subsequent promulgation of rules and regulations governing such collections; and in addition to the foregoing, a certified copy of the receipt of the official canvass of the Shelby County Election Commission following such election held, in order that the State may implement

the rules and regulations so prescribed by the Department of Revenue for collections, which rules and regulations are hereby adopted by reference into this Ordinance.

SECTION 9. EFFECTIVE DATE OF AMENDMENT

BE IT FURTHER ORDAINED, That the effectiveness of this Ordinance shall be suspended for forty (40) days.

SECTION 10. LITIGATION, IF ANY

BE IT FURTHER ORDAINED, That in the event the tax collected by the Tennessee Department of Revenue is challenged, suits for recovery of any tax illegally assessed or collected shall be brought against the City Treasurer of the City of Memphis.

SECTION 11. SEVERABILITY

BE IT FURTHER ORDAINED, That is any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not effect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

SECTION 12. PUBLICATION

BE IT FURTHER ORDAINED, That this Ordinance shall be published immediately after the adoption hereof.

SECTION 13. ENACTMENT OF CITY ORDINANCE

BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided bylaw.

SHEA FLINN
Memphis City Council

JIM STRICKLAND
Memphis City Council

Resolution to transfer allocations and appropriations from Treasury System Upgrade to Various Capital Improvement Projects funded by G O Bonds – General.

WHEREAS, the Council of the City of Memphis approved Treasury System Upgrade, project number IS01053; and

WHEREAS, Treasury System Upgrade will not be completed and it is necessary to transfer these funds to various capital improvement projects which will be used for the local match for grant projects as well as other urgent projects; and

WHEREAS, it is necessary to transfer construction allocations and appropriations in the amount of \$2,662,720.00 funded by G O Bonds - General from Treasury System Upgrade, project number IS01053 to various capital improvement projects listed below.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be and is hereby amended by transferring allocations and appropriations from Treasury System Upgrade, project number IS01053 to the projects listed below.

GA01004	Cobblestones	A/E \$30,000 and Construction \$220,000
GS01025	Relocation of City Facilities	A/E \$10,000
GS01007	City Hall Modifications	Construction \$100,000
PK07088	Fletcher Creek Park	A/E \$30,000 and Construction \$470,000
PK07112	Highway 61 Improvements	A/E \$30,000
PK???	Woodruff Fontaine	A/E \$30,000 and Construction \$220,000?????
PK ???	Greenway Improvements	Construction \$100,000
PW01243	Nike Infrastructure Improvements	A/E \$150,000 and Construction \$670,000
PW01244	Coughlin Road Improvements	A/E \$100,000
PW04093	Main to Main Segment 5 of 5	A/E \$422,720
PW04094	Walker Avenue Streetscape	A/E \$80,000

→ this is \$25,000



A Resolution to Spend Revenues Made Avaliable as a Result of the City of Memphis Taking Over the Management of the Beale Street Entertainment District

WHEREAS, the City of Memphis will assume the management of the Beale Street Entertainment District; and

WHEREAS, the City is periodically receiving revenues; and

WHEREAS, the City will have the responsibility for promoting and maintaining the District; and

WHEREAS, the City has received \$157,000 from revenues related to Beale Street operation and would like to spend up to that amount and any additional amounts that will be received from the District; and

WHEREAS, the City seeks to utilize the revenues as necessary for the following: Capital Outlay, Maintenance Services and Charges, and Professional Services.

NOW, THEREFORE, BE IT RESOLVED *that the Memphis City Council hereby approves the receipt and use of revenues for the purpose of promoting and maintaining the Beale Street Entertainment District.*

Ordinance No: _____

**Ordinance to amend Article III, Chapter 23, of the City of Memphis Code of Ordinances relative to the naming and renaming of City Parks and to rename
Forrest Park, Forrest-Wells Park**

WHEREAS, from time to time, the Memphis City Council has seen fit on rare occasions to name certain public facilities to honor citizens who have served this community; and

WHEREAS, Ida B. Wells-Barnett is one such exemplary citizen whose actions and commitment to the Civil Rights Movement and the Women's Suffrage Movement has left an indelible mark on not only the Memphis community but had a lasting effect on people across the country; and

WHEREAS, born a slave in 1862 in Holly Springs, Mississippi, to literate parents that taught Ida how to read at an early age, a foundation that lead to a career in journalism that allowed her to lead the charge on informing the public about the horrors of lynchings; and

WHEREAS, she was surrounded by political activists, including her father James, who was a member of the Loyal League and worked for the advancement of African-Americans; exposure to which fueled a natural passion to fight for others; and

WHEREAS, in 1883, Ida B. Wells-Barnett became a Memphis transplant after losing her parents and youngest brother to a yellow fever epidemic and taking on the responsibility of raising her remaining siblings and denying herself the completion of a college education at what is now Rust College; and

WHEREAS, Ida became a public figure in Memphis after writing an article for *The Living Way* documenting her treatment on a train ride where she refused to give up her seat and move to a smoking car and went on to win a lawsuit against the railroad company; and

WHEREAS, Ida B. Wells took an editorial position for the Evening Star and continued to write under the pen name "Iola" until she became co-owner and editor of Free Speech and Headlight, an anti-segregation newspaper that was started by Rev. R. Nightingale and was based at the Beale Street Baptist Church in Memphis; and

WHEREAS, it was the lynching of three friends in 1892 by an angry mob that lead Ida B. Wells to intensify her fight against the horrors of lynching and urge African-Americans to leave Memphis; and

WHEREAS, she was a founder of the National Association for the Advancement of Colored People, the National Association for Colored Women and the Women's Era Club, the first civic organization for African-American Women; and

WHEREAS, Ida B. Wells-Barnett traveled the world lecturing about the problems of lynchings and the plight of women in the United States; and

WHEREAS, at his last public appearance in 1875, Forrest made what the *New York Times* described as a "friendly speech" before an organization of black Southerners advocating racial reconciliation called the Independent Order of Pole-Bearers Association, during which Forrest accepted a bouquet of flowers from a black woman as a token of reconciliation between the races and espoused a radically progressive (for the time) agenda of equality and harmony between black and white Americans.

WHEREAS, the Memphis City Council deems it appropriate to add Ida B. Wells-Barnett to the name of Forrest Park as a symbol of equality and harmony between black and white Americans espoused by Forrest himself and as a symbol of this great City moving forward and embracing positive change from its divisive past.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Article III, Chapter 23 of the Code of Ordinances be amended to add two new sections which shall read as follows:

Article III. Renaming of City Owned Parks

Sec. 23-31. Authority of the City Council to Name or Rename City Owned Parks

(a) Pursuant to Section 579.1 of the City Charter the Council of the City is authorized and has full and ample power by ordinance or resolution to limit, restrict and to change or to terminate the use or operation of any property owned by or dedicated by the City for park purposes. The Council may by ordinance or resolution name or rename any park under the City's jurisdiction and control and may designate all appropriate markers, statutes or other references for any such park so named or renamed.

Sec. 23-32 Renaming of Forrest Park to Forrest-Wells Park

- (1) Nathan Bedford Forrest Park is hereby renamed as Forrest –Wells Park.
- (2) The Division of Parks & Neighborhoods shall be responsible for affixing all suitable identifying signs and markers of the new name.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Myron Lowery
Council Member

Edmund Ford, Jr., Ed.D.
Council Chairman

Attest:
Patrice Thomas, Comptroller

Ordinance No: _____

Ordinance to amend Article III, Chapter 23, of the City of Memphis Code of Ordinances relative to the naming and renaming of City Parks and to rename Nathan Bedford Forest Park, Confederate Park, and Jefferson Davis Park

WHEREAS, from time to time, the Memphis City Council has seen fit on rare occasions to name certain public facilities to honor citizens who have served this community; and

WHEREAS, Ida B. Wells-Barnett is one such exemplary citizen whose actions and commitment to the Civil Rights Movement and the Women's Suffrage Movement has left an indelible mark on not only the Memphis community but had a lasting effect on people across the country; and

WHEREAS, born a slave in 1862 in Holly Springs, Mississippi, to literate parents that taught Ida how to read at an early age, a foundation that lead to a career in journalism that allowed her to lead the charge on informing the public about the horrors of lynchings; and

WHEREAS, she was surrounded by political activists, including her father James, who was a member of the Loyal League and worked for the advancement of African-Americans; exposure to which fueled a natural passion to fight for others; and

WHEREAS, in 1883, Ida B. Wells-Barnett became a Memphis transplant after losing her parents and youngest brother to a yellow fever epidemic and taking on the responsibility of raising her remaining siblings and denying herself the completion of a college education at what is now Rust College; and

WHEREAS, Ida became a public figure in Memphis after writing an article for *The Living Way* documenting her treatment on a train ride where she refused to give up her seat and move to a smoking car and went on to win a lawsuit against the railroad company; and

WHEREAS, Ida B. Wells took an editorial position for the Evening Star and continued to write under the pen name "Iola" until she became co-owner and editor of Free Speech and Headlight, an anti-segregation newspaper that was started by Rev. R. Nightingale and was based at the Beale Street Baptist Church in Memphis; and

WHEREAS, it was the lynching of three friends in 1892 by an angry mob that lead Ida B. Wells to intensify her fight against the horrors of lynching and urge African-Americans to leave Memphis; and

WHEREAS, she was a founder of the National Association for the Advancement of Colored People, the National Association for Colored Women and the Women's Era Club, the first civic organization for African-American Women; and

WHEREAS, Ida B. Wells-Barnett traveled the world lecturing about the problems of lynchings and the plight of women in the United States; and

WHEREAS, at his last public appearance in 1875, Forrest made what the *New York Times* described as a "friendly speech" before an organization of black Southerners advocating racial reconciliation called the Independent Order of Pole-Bearers Association, during which Forrest accepted a bouquet of flowers from a black woman as a token of reconciliation between the races and espoused a radically progressive (for the time) agenda of equality and harmony between black and white Americans.

WHEREAS, the Memphis City Council deems it appropriate to add Ida B. Wells-Barnett to the name of Forrest Park as a symbol of equality and harmony between black and white Americans espoused by Forrest himself and as a symbol of this great City moving forward and embracing positive change from its divisive past.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Article III, Chapter 23 of the Code of Ordinances be amended to add two new sections which shall read as follows:

Article III. Renaming of City Owned Parks

Sec. 23-31. Authority of the City Council to Name or Rename City Owned Parks

(a) Pursuant to Section 579.1 of the City Charter the Council of the City is authorized and has full and ample power by ordinance or resolution to limit, restrict and to change or to terminate the use or operation of any property owned by or dedicated by the City for park purposes. The Council may by ordinance or resolution name or rename any park under the City's jurisdiction and control and may designate all appropriate markers, statutes or other references for any such park so named or renamed.

Sec. 23-32 Renaming of Forrest Park to Ida B. Wells Park

- (1) Nathan Bedford Forrest Park is hereby renamed as "Ida B. Wells Park."
- (2) The Division of Parks & Neighborhoods (or the Division's designee) shall be responsible for affixing all suitable identifying signs and markers of the new name.

Sec. 23-33 Renaming of Confederate Park to Front Street Park

- (1) Confederate Park is hereby renamed as "Front Street Park."
- (2) The Division of Parks & Neighborhoods (or the Division's designee) shall be responsible for affixing all suitable identifying signs and markers of the new name.

Sec. 23-34 Renaming of Jefferson Davis Park to North Riverside Park

- (1) Jefferson Davis Park is hereby renamed as "North Riverside Park"
- (2) The Division of Parks & Neighborhoods (or the Division's designee) shall be responsible for affixing all suitable identifying signs and markers of the new name.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Attest:

Patrice Thomas, Comptroller

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at their meeting held December 20, 2012 approved selection of Memphis Biomed Ventures III, LP to manage \$2,000,000.00 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation; and

WHEREAS, the Secretary-Treasurer is authorized to negotiate and sign the contract satisfactory to MLGW with the advice of Legal Counsel for services of said manager; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the selection of Memphis Biomed Ventures III, LP to manage \$2,000,000.00 for the benefit of the MLGW OPEB Trust Fund as part of a reallocation.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This item is a resolution to accept grant funds from the State of Tennessee Department of Labor and Workforce Development in the amount of \$97,738.00. These funds will be used for the WIA Title One Rapid Response.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The State of Tennessee Department of Labor and Workforce Development which acts as a pass-through for the U.S. Department of Labor, allocated these grant funds to the Workforce Investment Network.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

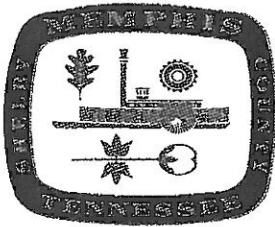
This is a new grant award, pending council acceptance.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.

5. State whether this requires an expenditure of funds/requires a budget amendment.

Acceptance of these will require an amendment to the FY2013 operating budget to appropriate the funds.



A Resolution to accept WIA Title One Rapid Response funds from the State of Tennessee Department of Labor and Workforce Development.

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Ninety Seven Thousand, Seven Hundred Thirty Eight Dollars, (\$97,38.00) from the State of Tennessee Department of Labor and Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Rapid Response Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2013 Operating Budget to establish funds for the WIA Title One Rapid Response Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Ninety Seven Thousand, Seven Hundred Thirty Eight Dollars, (\$97,738.00.) for the WIA Title One Rapid Response;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Rapid Response Program in the amount of Ninety Seven Thousand, Seven Hundred Thirty Dollars (\$97,738.00) be accepted by the City of Memphis

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriation the Expenditures and Revenues for the WIA Title One Rapid Response Program in the amount of Ninety Seven Thousand, Seven Hundred Thirty Eight Dollars, (97,738.00).

CITY COUNCIL RESOLUTION

Whereas, studies performed at The University of Tennessee Health Science Center found that many low-income community members use diet to control chronic health conditions; yet, residents of these communities have more difficulty accessing supermarkets; and

Whereas, The Food Trust's 2010 report, *Food for Every Child: The Need for More Supermarkets in Tennessee* called attention to Memphis' food desert crisis; the report found that lower-income neighborhoods in Memphis, such as Binghampton, Frayser, and Soulsville, had insufficient access to supermarkets as well as more diet-related deaths than other parts of the city; and

Whereas, the Memphis Mobile Market is a non-profit social enterprise venture whose primary goal of is to increase access to affordable healthy food in order to increase the communities' intake of fruits and vegetables, thereby decreasing the incidence of diet-related chronic conditions such as obesity, diabetes, and hypertension; and

Whereas, the Memphis Mobile Market aims to decrease the costs of healthier foods to fair market prices for communities that have been identified as food deserts with access to fresh produce, lean meats, dairy, and select non-perishable items and to educate community members about healthier eating styles, management of chronic conditions, and available health resources; and

Whereas, the Memphis Mobile Market aims to foster relationship building with the Memphis community and provide a means for University of Tennessee Health Science Center students to engage their community through staffing the mobile market and providing information on local health resources to market patrons; All profits of the organization will be used to improve the quality and expand the scope of services offered by The Memphis Mobile Market.

NOW, THEREFORE, BE IT RESOLVED by the Memphis City Council, that the City will match the \$15,000 contribution made by Shelby County to Memphis Mobile Market, Inc. for the purpose of funding initial operating costs.

BE IT FURTHER RESOLVED that the funding will be included in the FY14 Operating Budget.

LEE HARRIS
MEMPHIS CITY COUNCIL

WHEREAS, on occasion the Memphis City Council has seen fit to name certain public roads to honor citizens who have served this community; and

WHEREAS, John Daniel "Dan" Martini led a very full, colorful, and eventful life. He was born to Italian immigrant parents, Joe and Mary Martini, on March 30, 1934, in a house owned by the Shelby County Penal Farm, where his parents worked; and

WHEREAS, Dan's father, "Cap'n Joe" Martini, was one of the supervisors on the farm, in charge of managing the prisoners in cultivation of a large area of crops. At that time, the farm was a self-sustaining penal farm, and other supervisors were in charge of a large hen-house, milk cattle, hogs and other livestock. His mother, Mary Martini, worked in the office of the warden. As part of their compensation, they were provided with a house at the corner of Farm Road and Mullins Station, now used by the Park Rangers, and where bicycles are now rented. This is the house in which Dan, and his older brother, Joe Jr., were born and raised; and

WHEREAS, Dan attended Nicholas Blackwell (now Bartlett) High School where he was an excellent pupil and a very popular student. He was All-Shelby County in football and track, and was a star in the state track meets, winning the silver medal in the 100-yard dash and anchoring the bronze medal-winning 440 relay team in 1952; and

WHEREAS, Dan was an active member in the community. He was a communicant of St. Ann's Catholic Church in Bartlett, and was a 4th degree Knight and Faithful Navigator of the Knights of Columbus. He was a proud and influential member of the Board of Directors of Memphis Goodwill Industries for many years. In 1992 he received the UNICO Civic award and in 1994 He was awarded the UNICO National Americanism Award, the nation's top honor by the Italian-American organization UNICO.

WHEREAS, In his professional life, Dan was employed by T.H.McKnight & Sons Food Brokers for 32 years, and rose to the rank of President & CEO and majority owner. He was Regional Representative to the National Food Broker's Association in 1970.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MEMPHIS, TENNESSEE That Stage Road between Summer Avenue and Appling Road in Memphis, Tennessee be designated as

"Dan Martini Boulevard"

BE IT FURTHER RESOLVED That the City Engineer is requested to affix suitable signs so designating such public road.

ADOPTED: February 5, 2013

SHEA FLINN
Memphis City Councilman

City Council Resolution

WHEREAS, the Memphis City Council is authorized through the City's Charter to act as the franchising authority for any entity seeking to use the City's streets and public right of ways to provide public utility services, and additionally exercises this power to grant franchises to railroads, private gas, electric, water, telephone, telegraph and cable companies; and

WHEREAS, the Memphis City Council adopted Ordinance No. 5331 (The Comcast Franchise Agreement) outlining the conditions and provisions under which Comcast is provided the use of the city's public rights of way and specifically excludes from the coverage of the ordinance transmission lines and poles under the exclusive ownership and control of the Board of Commissioners of MLGW as provided for by the City Charter; and

WHEREAS, Memphis City Council Ordinance No. 5473 seeks to make clear the Council's intent under Ordinance No. 5331 which specifically grants Comcast the right to install its facilities in "...the air space above the surface, and the area below the surface of any public street, highway..." "in which the City holds any property interest or exercises any rights of management or control...." and further explainsthe Charter restrictions which prohibit the Council from directing MLGW to make a contract with Comcast for the company's use of MLGW poles and transmission lines; and

WHEREAS, the Memphis City Council has been directed by its legal counsel that any contract negotiations for the use of MLGW poles and lines and the rate and term thereof is strictly between MLGW and Comcast and any interference to settle any disputes by this Council is inadvisable; and

WHEREAS, Memphis City Council believes that any contract negotiations should be conducted by the two business entities affected and that a more expedient resolution of the dispute could be reached through mediation and/or arbitration.

NOW, THEREFORE, BE IT RESOLVED THAT THE MEMPHIS CITY COUNCIL requests that Comcast and MLGW Board of Commissioners consider mediation by an independent third party to decide the terms and conditions of Comcast's use of MLGW utility property.

BE IT FURTHER RESOLVED That should the parties fail to reach an agreement through the mediation process that the parties consider utilizing binding arbitration to resolve this matter.

Jim Strickland